



# GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

## 2014 REGULAR SESSION

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SENATE BILL NO. 199

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MONDAY, MARCH 17, 2014

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE April 9, 2014  
1:50pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

1 AN ACT to revise and correct the Kentucky Revised Statutes.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 PART A

4 LEGISLATIVE FINDINGS AND DECLARATIONS

5 ➔Section 1. The General Assembly finds and declares as follows:

6 (1) Section 2 of this Act repeals and reenacts KRS 38.030, which was amended in  
7 2009 Ky. Acts ch. 95 (HB 541) to provide coordinated benefits for Kentucky National  
8 Guard members who were totally or permanently disabled while deployed for the January  
9 2009 Winter Storm Response, Mission #090127G01. However, during the processing of  
10 the House Committee Substitute for HB 541, the enacting clause required by Kentucky  
11 Constitution Section 62 was inadvertently deleted from the bill. HB 541 was passed by  
12 the House and then by the Senate without the missing enacting clause being discovered.  
13 Therefore, KRS 38.030 is being repealed and reenacted to ratify and confirm the General  
14 Assembly's action in enacting 2009 HB 541.

15 (2) Section 3 of this Act amends KRS 6.505 to correct a transposition of numbers  
16 in drafting language referring to the statute that established the Legislators' Retirement  
17 Fund, KRS 6.530. In the 2013 amendment of KRS 6.505, language in 2013 Ky. Acts ch.  
18 120, sec. 13(1)(d)2.b. improperly referred to KRS 6.530 as KRS 6.350, which is the  
19 statute requiring that an actuarial analysis be prepared for certain retirement-related bills  
20 before the General Assembly.

21 (3) Section 4 of this Act amends KRS 75.031 to correct a citation in subsection  
22 (1)(f) of that statute to paragraphs of that subsection concerning how an elected firefighter  
23 can be removed from the board of trustees of a fire protection district or a volunteer fire  
24 department district. In the drafting of 1996 SB 189 (1996 Ky. Acts ch. 127, sec. 2), this  
25 statute was amended to add language concerning the removal procedures, but as the bill  
26 went through changes during the session, the subsection paragraphs changed, but the  
27 reference to the removal procedure paragraphs was not conformed accordingly. Section 4

1 of this Act corrects that drafting error.

2 (4) Section 5 of this Act amends KRS 81.010 relating to the classification of  
3 cities to correct the names of cities that have changed and to delete the names of listed  
4 cities that are no longer incorporated as cities.

5 (5) Section 6 of this Act amends KRS 134.452 to correct an improper formatting  
6 and an incorrect reference to text in subsection (1)(c)2.d. of that statute that was not  
7 conformed to the renumbered text contained in 2012 Ky. Acts ch. 161, sec. 13.  
8 Subsection (1)(c)2. of that statute has been correctly subdivided and renumbered and the  
9 corresponding reference in current subsection (1)(c)2. has been amended to conform.

10 (6) Section 7 of this Act amends KRS 161.046 to delete a reference to KRS  
11 161.603, which was repealed in 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 42. This  
12 conforming amendment should have been included in that Act, but was inadvertently  
13 omitted.

14 (7) Section 8 of this Act amends KRS 186.574 to correct a reference to the statute  
15 requiring motor vehicle owners to have liability insurance, KRS 304.39-080. KRS  
16 186.574 authorizes a county attorney to operate a pre-adjudication traffic school for  
17 traffic offenders. However, from the record, it is clear that persons charged with failure to  
18 have current motor vehicle liability insurance, among others, were to be ineligible for the  
19 county attorney-operated traffic school. The correct citation to the statute requiring motor  
20 vehicle liability insurance replaces the incorrect one included in 2012 Ky. Acts ch. 107,  
21 sec. 1.

22 (8) Section 9 of this Act amends KRS 189A.345 to correct two improper  
23 references to other statutes made when KRS 189A.345 was created in 2000. 2000 Ky.  
24 Acts ch. 467, sec. 28, created KRS 189A.345 and made a reference in subsection (2)(a) of  
25 that statute to "subsection (2) of Section 27 of this Act or under subsection (2)(b) of  
26 Section 17 of this Act." Section 27 of 2000 Ky. Acts ch. 467 created a new section of  
27 KRS Chapter 189A, which was subsequently numbered as KRS 189A.340. However, that

1 reference was improperly codified as "KRS 189.340(2)" instead. KRS 189A.340 was  
2 again amended in 2002 to delete subsection (1), so subsection (2) then became subsection  
3 (1), making the correct citation now read "KRS 189A.340(1)." Section 17 of 2000 Ky.  
4 Acts ch. 467 amended KRS 189A.410, which should have made the reference read "KRS  
5 189A.410(2)(b)." However, in codification, that reference was improperly codified as  
6 "KRS 189A.440(2)(b)" instead. Section 9 corrects these two codification errors.

7 (9) Section 10 of this Act amends KRS 218A.1438, to correct an incorrect  
8 citation to KRS 218A.1442 in subsection (1) of that statute. 2005 Ky. Acts ch. 150, sec.  
9 11, amended KRS 218A.1438 and contained the phrase "Notwithstanding Section 3 of  
10 this Act," at the beginning of that section. Section 3 of that Act was a newly created  
11 section, which was codified as KRS 218A.1442, and deals with controlled substance  
12 endangerment to children. The drafter of that Act has indicated that the reference should  
13 have been to "Section 6 of this Act," a newly created section, which was codified as KRS  
14 218A.1446, and deals with requirements for dispensing certain nonprescription drugs.  
15 KRS 218A.1438 is being amended to correct this manifest clerical or typographical error.

16 (10) Section 11 of this Act amends KRS 248.725 to correct a drafting oversight in  
17 the preparation of the Free Conference Committee Report for 2000 HB 611, relating to  
18 the Tobacco Master Settlement Agreement. In the Free Conference Committee Report, it  
19 was intended that "rural development advisory council" be changed to "agricultural  
20 development council" throughout. However, one reference in Section 13 of that report,  
21 which was codified as KRS 248.725, was inadvertently not changed. Therefore, KRS  
22 248.725 is being amended to correct that oversight.

23 (11) Section 12 of this Act amends KRS 446.140 to change a reference to KRS  
24 355.1-109, which was repealed in 2006, to correct the citation to current law, KRS 355.1-  
25 107.

26 (12) Section 13 of this Act repeals KRS 216B.0422. Two bills enacted during the  
27 2000 Regular Session, SB 330 and SB 339, each created new sections of KRS Chapter

216B which contained identical text. In codification, two new statutes, KRS 216B.0422 and 216B.0445 were inadvertently created instead of only the one new statute that was necessary. As KRS 216B.0445 became effective earlier than KRS 216B.0422, KRS 216B.0445 is being retained and KRS 216B.0422 is being repealed to eliminate the confusion caused by the duplicative statutes.

## PART B

### REPEALED AND REENACTED STATUTE

➔Section 2. KRS 38.030 is repealed and reenacted to read as follows:

(1) Only the Governor shall have the authority to order units and members of the Kentucky National Guard into state active duty.

(a) The Governor may order units and individual members of the Kentucky National Guard into state active duty for any of the following purposes:

1. Protecting lives and property;
2. Assisting in disaster relief or other humanitarian efforts;
3. Preventing or suppressing riot or civil disorder;
4. Enforcing the laws of the Commonwealth; or
5. Other similar purpose.

(b) In addition to ordering personnel and units to state active duty, the Governor may order other members of the Kentucky National Guard to participate in or perform duty in support of state active duty missions notwithstanding the fact that they are then entitled to receive federal pay and allowances pursuant to Title 32 of the United States Code. The personnel may be ordered to perform state active duty support missions either prior to, during, or after the time that state active duty missions are planned or performed.

(c) Members of the National Guard who are ordered to perform duty as provided in subsection (1)(b) of this section while they are entitled to receive federal pay under Title 32 of the United States Code shall have all of the powers,

1 immunities, and benefits conferred by law upon persons ordered to state active  
2 duty except that they shall receive no additional pay for the duty and the  
3 provisions of KRS 38.235 shall not apply to them. The powers, immunities,  
4 and benefits conferred upon those persons shall be in addition to, and not in  
5 place of, those powers, immunities, and benefits provided under federal law.

6 (d) Any member of the National Guard may, with his consent, be ordered to state  
7 active duty without pay.

8 (2) The Governor may direct the commanding officer of the military forces ordered to  
9 state active duty to report to any civil officer, including, but not limited to, judge,  
10 county judge/executive, mayor, sheriff, or head of law enforcement or other public  
11 agency in whose jurisdiction the state active duty mission is to be performed. The  
12 civil officer may advise the commanding officer regarding the specific objectives to  
13 be accomplished by the military force, but the tactical direction and disposition of  
14 the troops and the particular means to be employed to accomplish the mission shall  
15 be left solely to the commanding officer of the National Guard.

16 (3) Troops shall not be relieved from active field service except by order of the  
17 Governor.

18 (4) National Guard officers, enlisted soldiers, and airmen who are temporarily or  
19 permanently disabled as a direct result of an injury or disease arising out of the  
20 performance of an act in the line of duty while on state active duty shall, at the  
21 discretion of the Governor, remain on paid state active duty status until a competent  
22 medical authority releases them to return to their normal activities or the Governor  
23 deems it appropriate to relieve the individual from state active duty status.  
24 Compensation paid to the soldier or airman by the department shall be adjusted and  
25 maintained at the soldier's or airman's regular rate of active duty pay; however,  
26 compensation paid by the department shall be reduced by the amount of payments  
27 received from workers' compensation insurance, Social Security benefits, and other

1 federal or state-financed disability programs designed to supplement the soldier's or  
 2 airman's income. Final compensation shall not be reduced by payments for medical  
 3 care.

#### 4 PART C

#### 5 AMENDED STATUTES

6 ➔Section 3. KRS 6.505 is amended to read as follows:

- 7 (1) (a) Each legislator in office on July 1, 1980, may within thirty (30) days after that  
 8 date, and any legislator thereafter taking office may within thirty (30) days  
 9 after the date thereof, elect to make monthly contributions to the Legislators'  
 10 Retirement Plan, in an amount equal to five percent (5%) of his monthly  
 11 creditable compensation, as defined in KRS 61.510(13). The election shall be  
 12 effective to establish membership in the plan as of July 1, 1980, or as of the  
 13 date from which the thirty (30) day period is measured, as the case may be.  
 14 Provided, however, that any legislator who was in office on July 1, 1980, and  
 15 who is in office at the time he makes the election may, after the expiration of  
 16 the thirty (30) day period and until May 1, 1982, make the election, in which  
 17 event he shall pay to the Legislators' Retirement Plan, for the months between  
 18 July 1, 1980, and the date of his election such sum as, when added to any  
 19 member's contribution by him that is transferred from another retirement  
 20 system under KRS 6.535, will equal the member's contribution required by  
 21 this section. If the member makes his election after February 1, 1981, he shall  
 22 in addition pay to the plan interest on the foregoing sum, at six percent (6%)  
 23 per annum, calculated as if the sum consisted of equal monthly payments, one  
 24 (1) of which was due at the end of each month between July 1, 1980, and the  
 25 ~~date the~~ election was made. The election shall be addressed to and filed with  
 26 the secretary of the Finance and Administration Cabinet and shall constitute  
 27 an authorization to the secretary to thereafter cause to be deducted from the

1 member's monthly creditable compensation an amount equal to five percent  
2 (5%) thereof, as a voluntarily elected contribution by the member towards the  
3 funding of the Legislators' Retirement Plan.

4 (b) 1. For a member who begins participating in the Legislators' Retirement  
5 Plan prior to January 1, 2014, the election shall operate to create an  
6 inviolable contract between such member and the Commonwealth,  
7 guaranteeing to and vesting in the member the rights and benefits  
8 provided for under KRS 6.515 to 6.530.

9 2. a. For members who begin participating in the Legislators'  
10 Retirement Plan on or after January 1, 2014, the General Assembly  
11 reserves the right to amend, suspend, or reduce the benefits and  
12 rights provided under KRS 6.500 to 6.577 if, in its judgment, the  
13 welfare of the Commonwealth so demands, except that the amount  
14 of benefits the member has accrued at the time of amendment,  
15 suspension, or reduction shall not be affected.

16 b. For purposes of this subparagraph, the amount of benefits the  
17 member has accrued at the time of amendment, suspension, or  
18 reduction shall be limited to the accumulated account balance the  
19 member has accrued at the time of amendment, suspension, or  
20 reduction.

21 c. The provisions of this subsection shall not be construed to limit the  
22 General Assembly's authority to change any other benefit or right  
23 specified by KRS 6.500 to 6.577, for members who begin  
24 participating in the Legislators' Retirement Plan on or after January  
25 1, 2014, except the benefits specified by subparagraph 2.b. of this  
26 paragraph.

27 3. The provisions of this paragraph shall not be construed to limit the



1 General Assembly's authority to amend, reduce, or suspend the benefits  
 2 and rights of members of the Legislators' Retirement Plan as provided by  
 3 KRS 6.500 to 6.577 that the General Assembly had the authority to  
 4 amend, reduce, or suspend, prior to July 1, 2013.

5 (c) An election once made under this section either to participate or not to  
 6 participate in the Legislators' Retirement Plan, shall be considered to apply to  
 7 all future service as a legislator, whether in the same or a different office as a  
 8 legislator, and whether or not it is in successive terms.

9 (d) Notwithstanding the provisions of this subsection:

10 1. A legislator who becomes a member of the Legislators' Retirement Plan  
 11 on or after September 1, 2008, but prior to January 1, 2014, shall make  
 12 monthly contributions to the Legislators' Retirement Plan in an amount  
 13 equal to six percent (6%) of his monthly creditable compensation, as  
 14 defined in KRS 61.510(13).

15 2. A legislator who becomes a member of the Legislators' Retirement Plan  
 16 on or after January 1, 2014, shall make monthly contributions to the  
 17 Legislators' Retirement Plan in an amount equal to six percent (6%) of  
 18 his or her monthly creditable compensation, as defined in KRS  
 19 61.510(13), of which:

20 a. Five percent (5%) of his or her monthly creditable compensation,  
 21 as defined in KRS 61.510(13), shall be used to provide funding for  
 22 benefits provided under KRS 21.402; and

23 b. One percent (1%) of his or her monthly creditable compensation,  
 24 as defined in KRS 61.510(13), shall be used exclusively to help  
 25 fund retiree health benefits as provided by KRS 6.577 and shall not  
 26 be refunded to the member if the member withdraws his or her  
 27 accumulated account balance as provided by KRS 21.460. The

1 amounts deducted under this subdivision shall be credited to an  
2 account established pursuant to 26 U.S.C. sec. 401(h), within the  
3 fund established by KRS 6.530~~[6.350]~~.

- 4 (2) A legislator entitled to elect membership in the retirement system who failed to  
5 elect membership within thirty (30) days after taking office may elect membership  
6 not later than August 31, 2005. An election, upon being made pursuant to this  
7 section, shall operate to create an inviolable contract between the member entitled  
8 to elect membership under this subsection and the Commonwealth, guaranteeing to  
9 and vesting in the member the rights and benefits provided for under the terms and  
10 conditions of KRS 6.500 to 6.577.
- 11 (3) When any legislator makes a delayed election of membership in the Legislators'  
12 Retirement Plan under subsection (2) of this section, his active membership in the  
13 Kentucky Employees Retirement System shall terminate, as of the date his  
14 membership in the Legislators' Retirement Plan becomes effective, and any credit in  
15 the Kentucky Employees Retirement System, earned for service as a legislator,  
16 which he then has or which he subsequently regains while being an active member  
17 of the Legislators' Retirement Plan, shall be transferred to and counted as service  
18 credit in the Legislators' Retirement Plan, and shall no longer constitute credit in the  
19 Kentucky Employees Retirement System, except for the purpose of validating any  
20 other credit in that system if the member pays the difference, if any, between the  
21 amount transferred from the Kentucky Employees Retirement System and the  
22 actuarial value of the transferred service. However, any credit he then has in the  
23 Kentucky Employees Retirement System, earned for service in any capacity other  
24 than a legislator, shall not be affected. No person may attain credit in more than one  
25 (1) of the retirement plans or systems mentioned in this section for the same period  
26 of service. When credit is transferred from the Kentucky Employees Retirement  
27 System to the Legislators' Retirement Plan, the Kentucky Employees Retirement

1 System shall transfer to the Legislators' Retirement Fund an amount equal to the  
2 employee's and employer's contributions attributable to that credit, together with  
3 interest on the contributions from the date made to the date of transfer at the  
4 actuarially assumed interest rate of the Kentucky Employees Retirement System in  
5 effect at the time the contributions were made, compounded annually at that same  
6 interest rate.

- 7 (4) The state shall, solely for the purpose of compliance with Section 414(h) of the  
8 United States Internal Revenue Code, pick up the employee contributions required  
9 by this section for all compensation earned after August 1, 1982, and the  
10 contributions so picked up shall be treated as employer contributions in determining  
11 tax treatment under the United States Internal Revenue Code and KRS 141.010(10).  
12 The picked-up employee contribution shall satisfy all obligations to the retirement  
13 system satisfied prior to August 1, 1982, by the employee contribution, and the  
14 picked-up employee contribution shall be in lieu of an employee contribution. The  
15 state shall pay these picked-up employee contributions from the same source of  
16 funds which is used to pay earnings to the employee. The employee shall have no  
17 option to receive the contributed amounts directly instead of having them paid by  
18 the employer to the system. Employee contributions picked up after August 1, 1982,  
19 shall be treated for all purposes of KRS 6.500 to 6.535 in the same manner and to  
20 the same extent as employee contributions made prior to August 1, 1982.

- 21 (5) When any legislator elects membership in the Legislators' Retirement Plan in  
22 accordance with this section, his active membership in the Kentucky Employees  
23 Retirement System, State Police Retirement System, County Employees Retirement  
24 System, or Teachers' Retirement System shall terminate, as of the date his  
25 membership in the Legislators' Retirement Plan becomes effective, and any credit in  
26 such other system or systems, earned for service as a legislator, which he then has or  
27 which he subsequently regains while being an active member of the Legislators'

1 Retirement Plan, shall be transferred to and counted as service credit in the  
 2 Legislators' Retirement Plan, and shall no longer constitute credit in such other  
 3 retirement system except for the purpose of validating any other credit in that  
 4 system. However, any credit he then has in such other retirement system, earned for  
 5 service in any capacity other than a legislator, shall not be affected. No person may  
 6 attain credit in more than one (1) of the retirement plans or systems mentioned in  
 7 this section, for the same period of service.

8 (6) A member of the Legislators' Retirement Plan who would be entitled, under KRS  
 9 61.552, to repurchase credit in the Kentucky Employees Retirement System, for  
 10 previous service as a legislator, which credit had been lost by refund of  
 11 contributions, may pay the amount required by KRS 61.552 directly to the  
 12 Legislators' Retirement Plan and thereby obtain credit in that plan for such service,  
 13 rather than making payment to the Kentucky Employees Retirement System for  
 14 credit which would be transferred to the Legislators' Retirement Plan. In such event,  
 15 the Kentucky Employees Retirement System shall transfer to the Legislators'  
 16 Retirement Plan an amount equal to the employer's contributions that originally  
 17 were made to the Kentucky Employees Retirement System for the regained service  
 18 credit, with interest as provided in KRS 6.535. Six (6) months' current service shall  
 19 be required in the Legislators' Retirement Plan in order for the repurchased credit to  
 20 remain in force, the same as provided in KRS 61.552. Service purchased under this  
 21 subsection on or after January 1, 2014, shall not be used to determine the member's  
 22 participation date in the Legislators' Retirement Plan.

23 ➔Section 4. KRS 75.031 is amended to read as follows:

24 (1) (a) Upon creation of a fire protection district or a volunteer fire department  
 25 district as provided in KRS 75.010, the affairs of the district shall be  
 26 conducted by the board of trustees consisting of seven (7) members, four (4)  
 27 to be elected by the members of the district as hereinafter set out and three (3)

1 to be appointed by the county judge/executive or mayor in a consolidated local  
2 government pursuant to the provisions of KRS 67C.139. Two (2) members of  
3 the board of trustees shall be elected by the members of the firefighters of the  
4 district and shall be members of the district. Two (2) members of the board of  
5 trustees shall be property owners who own real or personal property which is  
6 subject to the fire protection tax pursuant to KRS 75.040, who personally  
7 reside in the district, and who are not active firefighters and shall be elected by  
8 the property owners of the district. Property owners voting to select  
9 representatives to the board of trustees shall have attained the age of eighteen  
10 (18). The county judge/executive of the county in which the greater part of the  
11 district is located shall, with the approval of the fiscal court, appoint three (3)  
12 members of the board of trustees. In counties containing a city of the first  
13 class, trustees appointed by the county judge/executive to serve in volunteer  
14 fire prevention districts shall reside within the boundaries of that county. In  
15 counties governed by a consolidated local government, trustees appointed by  
16 the mayor to serve in volunteer fire prevention districts shall reside within the  
17 boundaries of the consolidated local government. At the first election held  
18 after the district is formed, one (1) firefighter shall be elected to serve on the  
19 board of trustees for a period of one (1) year and one (1) for a period of three  
20 (3) years, and one (1) nonfirefighter property owner shall be elected to serve  
21 on the board of trustees for a period of two (2) years and one (1) for a period  
22 of four (4) years. On the expiration of the respective terms, the successor to  
23 each shall have the same qualifications as his or her predecessor and shall be  
24 elected for a term of four (4) years. The original appointed members of the  
25 board of trustees shall be appointed for terms of one (1), two (2), and three (3)  
26 years respectively. On the expiration of the respective terms, the successors to  
27 each shall be appointed for a term of three (3) years. Upon the establishment

1 of a consolidated local government, incumbent members shall continue to  
2 serve until the expiration of their current term of office. In the event of a  
3 vacancy in the term of an appointed or elected trustee, the county  
4 judge/executive shall appoint with the approval of the fiscal court a trustee for  
5 the remainder of the term, except in a county containing a consolidated local  
6 government. In a county containing a consolidated local government, the  
7 mayor pursuant to the provisions of KRS 67C.139 shall appoint a trustee for  
8 the remainder of the term.

9 (b) An appointed trustee may be removed from office as provided by KRS  
10 65.007.

11 (c) No person shall be an elected trustee who, at the time of his or her election, is  
12 not a citizen of Kentucky and has not attained the age of twenty-one (21).

13 (d) Unless otherwise provided by law, an elected firefighter trustee may be  
14 removed from office by the mayor of a consolidated local government, or in a  
15 county not containing a consolidated local government, by the county  
16 judge/executive of the county in which the greater part of the district is  
17 located. An elected firefighter trustee may be removed after a hearing with  
18 notice as required by KRS Chapter 424, for inefficiency, neglect of duty,  
19 malfeasance, or conflict of interest. The hearing shall be initiated and chaired  
20 by the county judge/executive of a county or the mayor of a consolidated local  
21 government, who shall prepare a written statement setting forth the reasons for  
22 removal. The trustee to be removed shall be notified of his or her proposed  
23 removal and the reasons for the proposed removal by registered mail sent to  
24 his or her last known address at least ten (10) days prior to the hearing. The  
25 person proposed to be removed may employ counsel to represent him or her.  
26 A record of the hearing shall be made by the county judge/executive or mayor  
27 respectively.

1 (e) The removal of an elected firefighter trustee of a fire protection district shall  
2 be subject to the approval of the fiscal court of the county in which the greater  
3 part of the district is located in those counties not containing a consolidated  
4 local government or the legislative council in a county containing a  
5 consolidated local government.

6 (f) An elected firefighter trustee removed pursuant to paragraphs~~[(e) and]~~ (d)  
7 and (e) of this subsection may appeal, within ten (10) days of the rendering of  
8 the decision of the fiscal court or legislative council, respectively, to the  
9 Circuit Court of the county in which the greater part of the district is located.  
10 The scope of the appeal shall be limited to whether the county  
11 judge/executive, mayor, legislative council, or the fiscal court respectively,  
12 abused their discretion in removing the trustee.

13 (2) The elective offices of members of the board of trustees shall be filled by an  
14 election to be held once each year on the fourth Saturday of June between the hours  
15 of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in  
16 the district. The date, time, and place of the election shall be advertised in  
17 accordance with KRS 424.120. This notice shall be advertised at least thirty (30)  
18 days prior to the election date and shall include the names and addresses of the  
19 candidates to be voted on for each position of trustee. In lieu of the published notice  
20 for the election of the firefighter trustees, written notice containing the information  
21 required to be advertised may be sent by first-class mail to each member of the  
22 firefighters of the fire protection district or volunteer fire department district,  
23 addressed to the firefighter at his or her residence, at least thirty (30) days prior to  
24 the election date. The nominations for candidates for trustees both representing the  
25 firefighters and the property owners residing in the district shall be made in  
26 accordance with the bylaws of the department. The terms of the three (3) trustees  
27 appointed by the county judge/executive or mayor shall start at the same time as the

terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire department district is being operated, after June 16, 1966, all departments organized prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.

- (3) The trustees shall elect from their number a chairman, a secretary, and a treasurer, the latter of whom shall give bond in an amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located or the mayor in a consolidated local government, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his or her possession as treasurer. The premiums on the bonds shall be paid out of the funds of the district.

➔Section 5. KRS 81.010 is amended to read as follows:

Cities are classified as follows:

- (1) First class:

Louisville, Jefferson County

- (2) Second class:

Ashland, Boyd County

Bowling Green, Warren County

Covington, Kenton County

Frankfort, Franklin County

Henderson, Henderson County

Hopkinsville, Christian County

Jeffersontown, Jefferson County

Lexington, Fayette County

Newport, Campbell County

Owensboro, Daviess County



- 1 Paducah, McCracken County
- 2 Radcliff, Hardin County
- 3 Richmond, Madison County
- 4 (3) Third class:
- 5 Campbellsville, Taylor County
- 6 Danville, Boyle County
- 7 Erlanger, Kenton County
- 8 Flatwoods, Greenup County
- 9 Florence, Boone County
- 10 Glasgow, Barren County
- 11 Hazard, Perry County
- 12 Independence, Kenton County
- 13 Mayfield, Graves County
- 14 Maysville, Mason County
- 15 Middlesboro, Bell County
- 16 Murray, Calloway County
- 17 Nicholasville, Jessamine County
- 18 Paris, Bourbon County
- 19 Prospect, Jefferson County
- 20 Shively, Jefferson County
- 21 Somerset, Pulaski County
- 22 Winchester, Clark County
- 23 (4) Fourth class:
- 24 Albany, Clinton County
- 25 Alexandria, Campbell County
- 26 Anchorage, Jefferson County
- 27 Augusta, Bracken County

- 1 Barbourville, Knox County
- 2 Bardstown, Nelson County
- 3 Beaver Dam, Ohio County
- 4 Bellevue, Campbell County
- 5 Benton, Marshall County
- 6 Berea, Madison County
- 7 Burnside, Pulaski County
- 8 Cadiz, Trigg County
- 9 Calvert City, Marshall County
- 10 Carlisle, Nicholas County
- 11 Carrollton, Carroll County
- 12 Catlettsburg, Boyd County
- 13 Cave City, Barren County
- 14 Central City, Muhlenberg County
- 15 Columbia, Adair County
- 16 Corbin, Whitley and Knox Counties
- 17 Crescent Springs, Kenton County
- 18 Crestview Hills, Kenton County
- 19 Cumberland, Harlan County
- 20 Cynthiana, Harrison County
- 21 Dawson Springs, Hopkins County
- 22 Dayton, Campbell County
- 23 Douglass Hills, Jefferson County
- 24 Earlington, Hopkins County
- 25 Edgewood, Kenton County
- 26 Eddyville, Logan County
- 27 Elizabethtown, Hardin County

- 1 Elkhorn City, Pike County
- 2 Elkton, Todd County
- 3 Elsmere, Kenton County
- 4 Eminence, Henry County
- 5 Falmouth, Pendleton County
- 6 Flemingsburg, Fleming County
- 7 Fort Mitchell, Kenton County
- 8 Fort Thomas, Campbell County
- 9 Fort Wright, Kenton County
- 10 Franklin, Simpson County
- 11 Fulton, Fulton County
- 12 Georgetown, Scott County
- 13 Graymoor/Devondale, Jefferson County
- 14 Grayson, Carter County
- 15 Greensburg, Green County
- 16 Greenville, Muhlenberg County
- 17 Guthrie, Todd County
- 18 Harlan, Harlan County
- 19 Harrodsburg, Mercer County
- 20 Hickman, Fulton County
- 21 Highland Heights, Campbell County
- 22 Hillview, Bullitt County
- 23 Hodgenville, Larue County
- 24 Horse Cave, Hart County
- 25 Hurstbourne, Jefferson County
- 26 Hurstbourne Acres, Jefferson County
- 27 Indian Hills, Jefferson County

- 1 Irvine, Estill County
- 2 Jackson, Breathitt County
- 3 Jenkins, Letcher County
- 4 Junction City, Boyle County
- 5 LaGrange, Oldham County
- 6 Lancaster, Garrard County
- 7 Lawrenceburg, Anderson County
- 8 Lebanon, Marion County
- 9 Leitchfield, Grayson County
- 10 London, Laurel County
- 11 Ludlow, Kenton County
- 12 Lyndon, Jefferson County
- 13 Madisonville, Hopkins County
- 14 Manchester, Clay County
- 15 Marion, Crittenden County
- 16 Martin, Floyd County
- 17 Middletown, Jefferson County
- 18 Midway, Woodford County
- 19 Monticello, Wayne County
- 20 Morehead, Rowan County
- 21 Morganfield, Union County
- 22 Mount Sterling, Montgomery County
- 23 Mount Washington, Bullitt County
- 24 Oak Grove, Christian County
- 25 Olive Hill, Carter County
- 26 Owingsville, Bath County
- 27 Paintsville, Johnson County

- 1 Park Hills, Kenton County
- 2 Pikeville, Pike County
- 3 Pineville, Bell County
- 4 Pioneer Village, Bullitt County
- 5 Prestonsburg, Floyd County
- 6 Princeton, Caldwell County
- 7 Providence, Webster County
- 8 Russell, Greenup County
- 9 Russellville, Logan County
- 10 Saint Regis Park, Jefferson County
- 11 Salyersville, Magoffin County
- 12 Scottsville, Allen County
- 13 Shelbyville, Shelby County
- 14 Shepherdsville, Bullitt County
- 15 Southgate, Campbell County
- 16 Springfield, Washington County
- 17 St. Matthews, Jefferson County
- 18 Stanford, Lincoln County
- 19 Stanton, Powell County
- 20 Sturgis, Union County
- 21 Taylor Mill, Kenton County
- 22 Taylorsville, Spencer County
- 23 Union, Boone County
- 24 Vanceburg, Lewis County
- 25 Versailles, Woodford County
- 26 Villa Hills, Kenton County
- 27 Vine Grove, Hardin County

- 1 Warsaw, Gallatin County
- 2 West Liberty, Morgan County
- 3 Whitesburg, Letcher County
- 4 Williamsburg, Whitley County
- 5 Wilmore, Jessamine County
- 6 (5) Fifth class:
- 7 Adairville, Logan County
- 8 Auburn, Logan County
- 9 Audubon Park, Jefferson County
- 10 Barbourmeade, Jefferson County
- 11 Bardwell, Carlisle County
- 12 Beattyville, Lee County
- 13 Beechwood Village, Jefferson County
- 14 Benham, Harlan County
- 15 Bloomfield, Nelson County
- 16 Brandenburg, Meade County
- 17 Brodhead, Rockcastle County
- 18 Bromley, Kenton County
- 19 Brooksville, Bracken County
- 20 Brownsville, Edmonson County
- 21 Burgin, Mercer County
- 22 Burkesville, Cumberland County
- 23 Butler, Pendleton County
- 24 Calhoun, McLean County
- 25 Camargo, Montgomery County
- 26 Campbellsburg, Henry County
- 27 Clay, Webster County

- 1 Clay City, Powell County
- 2 Clinton, Hickman County
- 3 Cloverport, Breckinridge County
- 4 Cold Spring, Campbell County
- 5 Columbus, Hickman County
- 6 Corydon, Henderson County
- 7 Crestwood, Oldham County
- 8 Crittenden, Grant County
- 9 Crofton, Christian County
- 10 [~~Devondale, Jefferson County~~]
- 11 Drakesboro, Muhlenberg County
- 12 Dry Ridge, Grant County
- 13 Edmonton, Metcalfe County
- 14 Evarts, Harlan County
- 15 Ferguson, Pulaski County
- 16 Fleming-Neon, Letcher County
- 17 Fredonia, Caldwell County
- 18 Goshen, Oldham County
- 19 Grand Rivers[~~River~~], Livingston County
- 20 Greenup, Greenup County
- 21 Hardin, Marshall County
- 22 Hardinsburg, Breckinridge County
- 23 Hartford, Ohio County
- 24 Hawesville, Hancock County
- 25 Hebron Estates, Bullitt County
- 26 *Heritage Creek, Jefferson County*
- 27 Hindman, Knott County

- 1 Hollow Creek, Jefferson County
- 2 Hustonville, Lincoln County
- 3 Indian Hills-Cherokee, Jefferson County
- 4 Irvington, Breckinridge County
- 5 Jamestown, Russell County
- 6 Jeffersonville, Montgomery County
- 7 Kuttawa, Lyon County
- 8 La Center, Ballard County
- 9 Lakeside Park, Kenton County
- 10 Lebanon Junction, Bullitt County
- 11 Lewisburg, Logan County
- 12 Lewisport, Hancock County
- 13 Liberty, Casey County
- 14 Livermore, McLean County
- 15 Louisa, Lawrence County
- 16 Loyall, Harlan County
- 17 Lynch, Harlan County
- 18 Lynnview, Jefferson County
- 19 McKee, Jackson County
- 20 Meadowvale, Jefferson County
- 21 Millersburg, Bourbon County
- 22 [~~Minor Lane Heights, Jefferson County~~]
- 23 Morgantown, Butler County
- 24 Morton's Gap, Hopkins County
- 25 Mt. Olivet, Robertson County
- 26 Mt. Vernon, Rockcastle County
- 27 Muldraugh, Meade County



- 1       Munfordville, Hart County
- 2       New Castle, Henry County
- 3       North Middletown, Bourbon County
- 4       Northfield, Jefferson County
- 5       Nortonville, Hopkins County
- 6       Orchard Grass Hills, Oldham County
- 7       Owenton, Owen County
- 8       Park City, Barren County
- 9       Pembroke, Christian County
- 10      Perryville, Boyle County
- 11      Pewee Valley, Oldham County
- 12      Plantation, Jefferson County
- 13      Powderly, Muhlenberg County
- 14      Raceland, Greenup County
- 15      Ravenna, Estill County
- 16      Rolling Hills, Jefferson County
- 17      Russell Springs, Russell County
- 18      Ryland Heights, Kenton County
- 19      Sadieville, Scott County
- 20      Sandy Hook, Elliott County
- 21      Sebree, Webster County
- 22      Silver Grove, Campbell County
- 23      Simpsonville, Shelby County
- 24      Smiths Grove, Warren County
- 25      South Shore, Greenup County
- 26      Tompkinsville, Monroe County
- 27      Uniontown, Union County

1 {~~Van Lear, Johnson County~~  
 2 Walton, Boone County  
 3 {~~Washington, Mason County~~  
 4 Watterson Park, Jefferson County  
 5 West Buechel, Jefferson County  
 6 West Point, Hardin County  
 7 White Plains, Hopkins County  
 8 Wickliffe, Ballard County  
 9 Wilder, Campbell County  
 10 Williamstown, Grant County  
 11 Windy Hills, Jefferson County  
 12 Woodlawn Park, Jefferson County  
 13 Worthington, Greenup County  
 14 Wurtland, Greenup County

15 (6) All other incorporated cities belong to the sixth class.

16 ➔Section 6. KRS 134.452 is amended to read as follows:

17 (1) Notwithstanding any other provisions of this chapter, a third-party purchaser of a  
 18 certificate of delinquency shall be entitled to collect only the following prelitigation  
 19 fees:

- 20 (a) The amount actually paid for the certificate of delinquency;
- 21 (b) Interest as provided in KRS 134.125, calculated on the amount actually paid  
 22 to the county clerk from the date the certificate of delinquency was purchased  
 23 until paid; and
- 24 (c) 1. Prelitigation attorneys' fees, which may include amounts incurred for  
 25 collection efforts and costs related to notification, processing, research,  
 26 communication, compliance, legal costs, documentation, and similar  
 27 expenses, from the date the third-party purchaser purchases the

certificate of delinquency from the county clerk, to the date on which the notice required by KRS 134.490(2) is mailed by the third-party purchaser.

2. The amount that may be collected by the third-party purchaser as prelitigation attorneys' fees shall be subject to the following limitations:

~~{2.}~~a. i. If the amount paid for a certificate of delinquency is between five dollars (\$5) and three hundred fifty dollars (\$350), actual reasonable fees incurred up to one hundred percent (100%) of the amount of the certificate of delinquency, not to exceed three hundred fifty dollars (\$350);

ii.~~{b.}~~ If the amount paid for a certificate of delinquency is between three hundred fifty-one dollars (\$351) and seven hundred dollars (\$700), actual reasonable fees incurred up to eighty percent (80%) of the amount of the certificate of delinquency, not to exceed five hundred sixty dollars (\$560); and

iii.~~{c.}~~ If the amount paid for a certificate of delinquency is above seven hundred one dollars (\$701), actual reasonable fees incurred up to seventy percent (70%) of the amount of the certificate of delinquency, not to exceed seven hundred dollars (\$700).

b.~~{d.}~~ If a third-party purchaser is the owner of more than one (1) certificate of delinquency against the same taxpayer, actual and reasonable prelitigation attorneys' fees for all certificates of delinquency against the same taxpayer shall not exceed one and one-half (1.5) times the maximum amount permitted in subdivision a. of this subparagraph~~{paragraph (a) of this~~

1                    subsection] for the largest tax bill owed by the taxpayer, ~~and~~

2                    3. The amounts allowed by subparagraph 2. of this paragraph shall not  
3                    accrue to the account of the delinquent taxpayer, nor be charged by the  
4                    third-party purchaser against the delinquent taxpayer all at one (1) time  
5                    unless the amount of certificate of delinquency is one hundred seventy-  
6                    five dollars (\$175) or less. The third-party purchaser may accrue to the  
7                    account of the delinquent taxpayer, and charge the delinquent taxpayer  
8                    an amount equal to the lesser of prelitigation attorney's fees incurred by  
9                    the third-party purchaser since the prior notice was sent or one hundred  
10                  seventy-five dollars (\$175), for each notice sent to the delinquent  
11                  taxpayer, provided that:

12                  a. The total aggregate amount of prelitigation attorneys' fees that may  
13                  accrue to the account of the delinquent taxpayer and be charged by  
14                  the third-party purchaser against the delinquent taxpayer shall not  
15                  exceed the limitations established by paragraph (a) of this  
16                  subsection; and

17                  b. Additional fees shall not accrue to the account of the delinquent  
18                  taxpayer or be charged by the third-party purchaser against the  
19                  delinquent taxpayer more frequently than every ninety (90) days,  
20                  regardless of how many notices the third-party purchaser may  
21                  send.

22                  (2) If the delinquent taxpayer and the third-party purchaser enter into a payment  
23                  agreement, the third-party purchaser may collect the installment payment processing  
24                  fee authorized by KRS 134.490(5).

25                  (3) (a) In addition to the fees established by subsections (1), (2), and (4) of this  
26                  section, a third-party purchaser may collect actual, reasonable attorneys' fees  
27                  and costs that arise due to the prosecution of collection remedies or the

1 protection of a certificate of delinquency that is involved in litigation. Fees  
2 and costs permitted under this subsection include fees and costs incurred from  
3 the first day after the notice required by KRS 134.490(2) is sent through the  
4 day any litigation is finally concluded.

5 (b) For purposes of this subsection:

6 1. Actual attorneys' litigation fees up to two thousand dollars (\$2,000) may  
7 be reasonable if the fees are based upon documented work performed at  
8 a rate commensurate with hourly rates customarily charged by private  
9 attorneys in that jurisdiction for similar services. A flat rate, without  
10 hours documented for work performed, may be reasonable if the flat fee  
11 is determined to be discounted from the usual and customary rates for  
12 comparable work; and

13 2. Any attorneys' litigation fee in excess of two thousand dollars (\$2,000)  
14 shall be allowed if authorized by the court upon a finding that the third-  
15 party purchaser incurred actual attorneys' litigation fees in excess of two  
16 thousand dollars (\$2,000) and that those attorneys' litigation fees were  
17 warranted based upon the complexity of the issues presented in the  
18 litigation.

19 (4) The third-party purchaser may collect administrative fees incurred for preparing,  
20 recording, and releasing an assignment of the certificate of delinquency in the  
21 county clerk's office, not to exceed one hundred fifteen dollars (\$115).

22 (5) The General Assembly recognizes that third-party purchasers play an important role  
23 in the delinquent tax collection system, allowing taxing districts to receive needed  
24 funds on a timely basis. The General Assembly has carefully considered the fees  
25 and charges authorized by this section, and has determined that the amounts  
26 established are reasonable based on the costs of collection and fees and charges  
27 incurred in litigation.

1 (6) A certificate of delinquency owned by a third-party purchaser shall be deemed a  
2 general intangible for the purposes of Article 9 of KRS Chapter 355.

3 ➔Section 7. KRS 161.046 is amended to read as follows:

4 (1) For purposes of this section, "adjunct instructor" means an individual who has  
5 training or experience in a specific subject area and who has met the requirements  
6 for certification as an adjunct instructor established by the Education Professional  
7 Standards Board.

8 (2) The Education Professional Standards Board shall adopt administrative regulations  
9 governing the qualifications and utilization of adjunct instructors. These  
10 administrative regulations shall specify the minimum essential competencies which  
11 must be demonstrated by persons seeking an adjunct instructor certificate.

12 (3) Holders of an adjunct instructor certificate shall be employed on an annual contract  
13 basis and shall not be eligible for continuing service status pursuant to KRS  
14 161.740 or for the retirement provisions of KRS 161.220 through 161.714, except  
15 that the return to work limitations set forth in KRS~~[-161.603 and]~~ 161.605 shall  
16 apply to any retired member of the Kentucky Teachers' Retirement System who  
17 resumes employment as an adjunct instructor. The granting of successive annual  
18 contracts to the holder of an adjunct instructor certificate shall not give rise to a  
19 claim of expectation of continuing employment.

20 (4) Local school boards may contract with certificated adjunct instructors for part-time  
21 services on an hourly, daily, or other periodic basis as best meets the needs of the  
22 board. An adjunct instructor shall not fill a position that will result in the  
23 displacement of a qualified teacher with a regular certificate who is already  
24 employed in the district.

25 (5) An orientation program shall be developed and implemented for adjunct instructors  
26 by the local school board.

27 ➔Section 8. KRS 186.574 is amended to read as follows:

- 1 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and  
2 for traffic offenders. The school shall be composed of uniform education and  
3 training elements designed to create a lasting influence on new drivers and a  
4 corrective influence on traffic offenders. District Courts may in lieu of assessing  
5 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to  
6 state traffic school and no other. The Transportation Cabinet shall enroll a person in  
7 state traffic school who fails to complete a driver's education course pursuant to  
8 KRS 186.410(5).
- 9 (2) If a District Court stipulates in its judgment of conviction that a person attend state  
10 traffic school, the court shall indicate this in the space provided on the abstract of  
11 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the  
12 Transportation Cabinet, or its representative, shall schedule the person to attend  
13 state traffic school. Failure of the person to attend and satisfactorily complete state  
14 traffic school in compliance with the court order, may be punished as contempt of  
15 the sentencing court. The Transportation Cabinet shall not assess points against a  
16 person who satisfactorily completes state traffic school. However, if the person  
17 referred to state traffic school holds or is required to hold a commercial driver's  
18 license, the underlying offense shall appear on the person's driving history record.
- 19 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic  
20 school, and shall promulgate administrative regulations pursuant to KRS Chapter  
21 13A governing facilities, equipment, courses of instruction, instructors, and records  
22 of the program. In the event a person sentenced under subsection (1) of this section  
23 does not attend or satisfactorily complete state traffic school, the Transportation  
24 Cabinet may deny that person a license or suspend the license of that person until he  
25 reschedules attendance or completes state traffic school, at which time a denial or  
26 suspension shall be rescinded.
- 27 (4) Persons participating in the state traffic school as provided in this section shall pay a

1 fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if  
2 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),  
3 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are  
4 dedicated to the road fund for use in the state driver education program may be used  
5 for the purposes of state traffic school.

6 (5) The following procedures shall govern persons attending state traffic school  
7 pursuant to this section:

8 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters  
9 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of  
10 the trial judge, be sentenced to attend state traffic school. Upon payment of the  
11 fee required by subsection (4) of this section, and upon successful completion  
12 of state traffic school, the sentence to state traffic school shall be the person's  
13 penalty in lieu of any other penalty, except for the payment of court costs;

14 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to  
15 attend state traffic school who has been cited for a violation of KRS Chapters  
16 177, 186, or 189 that has a penalty of mandatory revocation or suspension of  
17 an offender's driver's license;

18 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to  
19 attend state traffic school for any violation if, at the time of the violation, the  
20 person did not have a valid driver's license or the person's driver's license was  
21 suspended or revoked by the cabinet;

22 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to  
23 attend state traffic school more than once in any one (1) year period, unless  
24 the person wants to attend state traffic school to comply with the driver  
25 education requirements of KRS 186.410; and

26 (e) The cabinet shall notify the sentencing court regarding any person who was  
27 sentenced to attend state traffic school who was ineligible to attend state



1 traffic school. A court notified by the cabinet pursuant to this paragraph shall  
 2 return the person's case to an active calendar for a hearing on the matter. The  
 3 court shall issue a summons for the person to appear and the person shall  
 4 demonstrate to the court why an alternative sentence should not be imposed.

5 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may  
 6 operate a traffic safety program for traffic offenders prior to the adjudication  
 7 of the offense.

8 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080~~[304.30-~~  
 9 ~~010]~~, offenders holding a commercial driver's license under KRS Chapter  
 10 281A, or offenders coming within the provisions of subsection (5)(b) or (c) of  
 11 this section shall be excluded from participation in a county attorney-operated  
 12 program.

13 (c) A county attorney that operates a traffic safety program:

- 14 1. May charge a reasonable fee to program participants, which shall only  
 15 be used for payment of county attorney office operating expenses; and
- 16 2. Shall, by October 1 of each year, report to the Prosecutors Advisory  
 17 Council the fee charged for the county attorney-operated traffic safety  
 18 program and the total number of traffic offenders diverted into the  
 19 county attorney-operated traffic safety program for the preceding fiscal  
 20 year categorized by traffic offense.

21 (d) Each participant in a county attorney-operated traffic safety program shall, in  
 22 addition to the fee payable to the county attorney, pay a twenty-five dollar  
 23 (\$25) fee to the court clerk, which shall be paid into a trust and agency  
 24 account with the Administrative Office of the Courts and is to be used by the  
 25 circuit clerks to hire additional deputy clerks and to enhance deputy clerk  
 26 salaries.

27 ➔Section 9. KRS 189A.345 is amended to read as follows:

1 (1) No person shall operate a motor vehicle or motorcycle without a functioning  
 2 ignition interlock device when prohibited to do so under KRS 189A.340(1) or under  
 3 KRS 189A.410(2).

4 (2) (a) No person shall start a motor vehicle or motorcycle equipped with an ignition  
 5 interlock device for the purpose of providing an operable motor vehicle or  
 6 motorcycle to a person subject to the prohibition established in KRS  
 7 189A.340(1)~~[189.340(1)]~~ or under KRS 189A.410~~[189A.440]~~(2)(b).

8 (b) Any person who violates paragraph (a) of this subsection shall:

- 9 1. For a first offense, be guilty of a Class B misdemeanor; and
- 10 2. For a second or subsequent offense, be guilty of a Class A misdemeanor.

11 (3) (a) No person shall:

- 12 1. Knowingly install a defective ignition interlock device on a motor  
 13 vehicle or motorcycle; or
- 14 2. Tamper with an installed ignition interlock device with the intent of  
 15 rendering it defective.

16 (b) Any person who violates paragraph (a) of this subsection shall:

- 17 1. For a first offense, be guilty of a Class B misdemeanor; and
- 18 2. For a second or subsequent offense, be guilty of a Class A misdemeanor  
 19 and be prohibited from installing ignition interlock devices or directing  
 20 others in the installation of ignition interlock devices.

21 (4) (a) No person shall direct another person to install a defective ignition interlock  
 22 device on a motor vehicle or motorcycle when the person giving the direction  
 23 knows that the ignition interlock device is defective.

24 (b) Any person who violates paragraph (a) of this subsection shall:

- 25 1. For a first offense, be guilty of a Class B misdemeanor; and
- 26 2. For a second or subsequent offense, be guilty of a Class A misdemeanor  
 27 and be prohibited from directing others in the installation of ignition

1 interlock devices or installing ignition interlock devices.

2 ➔ Section 10. KRS 218A.1438 is amended to read as follows:

3 (1) Notwithstanding KRS 218A.1446~~[218A.1442]~~, a person is guilty of unlawful  
4 distribution of a methamphetamine precursor when he or she knowingly and  
5 unlawfully sells, transfers, distributes, dispenses, or possesses with the intent to sell,  
6 transfer, distribute, or dispense any drug product or combination of drug products  
7 containing ephedrine, pseudoephedrine, or phenylpropanolamine, or any of their  
8 salts, isomers, or salts of isomers, if the person knows that the purchaser intends  
9 that the drug product or combination of drug products will be used as a precursor to  
10 methamphetamine or other controlled substance, or if the person sells, transfers,  
11 distributes, or dispenses the drug product or combination of drug products with  
12 reckless disregard as to how the drug product or combination of drug products will  
13 be used.

14 (2) Unlawful distribution of a methamphetamine precursor is a Class D felony for the  
15 first offense and a Class C felony for each subsequent offense.

16 (3) In addition to the criminal penalty specified in subsection (2) of this section, or in  
17 lieu of the criminal penalty specified in subsection (2) of this section, any person  
18 who traffics in or transfers any drug product or combination of drug products  
19 specified in subsection (1) of this section intentionally or recklessly with knowledge  
20 of or reason to know that the drug product or combination of drug products will be  
21 used to illegally manufacture methamphetamine or other controlled substance shall  
22 be liable for damages in a civil action for all damages, whether directly or indirectly  
23 caused by the sale or trafficking or transfer of the drug product or drug products.

24 (a) Damages may include but are not limited to:

- 25 1. Any and all costs of detecting, investigating, and cleaning up or  
26 remediating unlawfully operated laboratories or other facilities for the  
27 illegal manufacture of methamphetamine or other controlled substance;

- 1           2. Costs of prosecution of criminal cases arising from the illegal sale,
- 2           transfer, distribution, manufacture, or dispensing of a controlled
- 3           substance or their precursors;
- 4           3. Court costs and reasonable attorney's fees for bringing this civil action;
- 5           4. Consequential damages; and
- 6           5. Punitive damages.

7       (b) A civil action to recover damages against a person or persons violating this  
 8       section may be brought by the Attorney General, an attorney of the Justice and  
 9       Public Safety Cabinet, or by any Commonwealth's attorney in whose  
 10      jurisdiction the defendant may be shown to have committed an act specified in  
 11      this section.

12      (c) All moneys collected pursuant to such civil action shall be distributed in the  
 13      following order:

- 14          1. Court costs and reasonable attorney's fees for bringing this civil action;
- 15          2. The reimbursement of all reasonable costs of detecting, investigating,  
 16          cleaning up or remediating the laboratory or other facility utilized for  
 17          manufacture of methamphetamine underlying the present judgment;
- 18          3. The reasonable costs of prosecution of criminal cases arising from  
 19          trafficking in or transfer of a precursor for the illegal manufacture of  
 20          methamphetamine giving rise to the present judgment; and
- 21          4. All remaining moneys shall be distributed to the General Fund.

22      ➔Section 11. KRS 248.725 is amended to read as follows:

23      The Kentucky Department of Agriculture may provide technical assistance to local  
 24      individuals and entities, county agricultural development~~[rural development advisory]~~  
 25      councils, and regional entities in developing proposals and in implementing proposals  
 26      approved by the Agricultural Development Board.

27      ➔Section 12. KRS 446.140 is amended to read as follows:

1 Title heads, chapter heads, section and subsection heads or titles, and explanatory notes  
2 and cross references, in the Kentucky Revised Statutes, do not constitute any part of the  
3 law, except as provided in KRS 355.1-107~~[355.1-109]~~.

4 PART D

5 REPEALED STATUTE

6 ➔Section 13. The following KRS sections are repealed:  
7 216B.0422 Hospital's outpatient health facility -- Licensure and certificate-of-need  
8 requirements.

9 PART E

10 EFFECT OF REVISIONS

11 ➔Section 14. Nothing in this Act shall be construed under KRS 7.123(4) as  
12 appearing to effect any substantive change in the statute law of Kentucky, and the actions  
13 contained within this Act shall not operate under KRS 446.250 or 446.260 to defeat any  
14 amendments in other Acts of this 2014 Regular Session of the General Assembly to the  
15 statutes contained in this Act.

*Kathie Kratz Stino*

President of Senate

*Greg W. Stiles*

Speaker-House of Representatives

Attest:

*Donna R. Hall*

Chief Clerk of Senate

Approved

*Steve B. Benson*

Governor

Date

*4/9/14*